IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Contempt Petition No. 47 of 2005

Devki Nandan Joshi
S/o Late Sri Krishnanand Joshi
Serving as Co-operative Inspector Group-I,
In the Office of Assistant Registrar,
Co-operative Societies,
Nainital, Uttaranchal ... Petitioner

Versus

1. Smt. Vibhapuri Das
I.A.S., Principal Secretary
Co-operative Dehradun
Uttaranchal Shasan, Dehradun

2. Sri Naveen Chandra Sharma
Registrar,
Co-operative Socities,
Uttaranchal, Almora

3. Sri G.C. Maikota
Additional Registrar
Co-operative Societies,
Uttaranchal, Almora ... Respondents

Shri Manoj Tiwari, learned counsel for the petitioner.
Shri U.K. Uniyal, Addl. Advocate General for the respondents.

Hon'ble J.C.S. Rawat,

1. it was ordered by the Hon'ble Single Judge of this Court vide order dated 26.07.2004 that the respondents should consider the promotion of the petitioner on the post of Co-operative Inspector Group I with effect from the date when Sri Hari Bilas Upreti, a person much junior to the petitioner was promoted and to consider further consequential promotion and benefits. When the petitioner was not given the benefits as ordered by this court, he

moved the present contempt petition for the compliance of the order and he also prayed that the contemnors be punished under Section 12 of the Contempt of the court Act. The time for the response was given to the respondents but compliance order was not filed and thereafter the contemnors were directed to present before the court and in pursuance of the said order respondent No. 2 is present in person who is the Secretary of the concerned Department and an exemption was sought on behalf of respondent Nos. 1 and 3. The respondent No. 2 had filed an affidavit alongwith the order that the petitioner has been granted promotion on 05.11.2005 on adhoc basis w.e.f. 02.11.1999. It was averred in the affidavit that the petitioner has been relieved in compliance of the aforementioned order dated 05.11.2005. it was further averred in the affidavit that the Public Service Commission has been asked to constitute DPC. It was further stated by respondent No. 2 before the court that all the consequential benefits will be given to the petitioner as the promotion order has already been passed by the competent authority. The Secretary, Opposite part No. 2 further stated before the Court that he will pay further consequential benefits within six weeks from today.

2. In view of the above statement and discussion, I am of the view that the order has been complied with. If the contemnors do not comply this order according to the undertaking given by the Secretary

O.P. No. 2 to this Court, the petitioner will be at liberty to move fresh petition.

3. The contempt petition is disposed of accordingly.

4. The notices issued against the respondents stand discharged.

(J.C.S. RAWAT, J.)

16th November, 2005
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